

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK**

AYATOLLAH ORAFAN, et al.,

No. 9:95-CV-318 (NAM/GJD)

Plaintiffs,

v.

**ORDER**

CYRIL RASHID, et al.,

Defendants.

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The above-entitled matter comes before the Court upon the Report and Recommendation of United States Magistrate Gustave J. DiBianco dated July 19, 2005. No objections have been filed to that Report and Recommendation in the time period permitted. Based upon the Report and Recommendation of the Magistrate Judge, and all of the files, records and proceedings herein, **IT IS HEREBY ORDERED** that pro se Plaintiff Barry Smith is **DISMISSED AS A PLAINTIFF IN THIS ACTION** due to his failure to notify the Court of his current address since at least 2000.

Dated: August 2, 2005

s/ Paul A. Magnuson  
Paul A. Magnuson  
United States District Court Judge